

GOVERNMENT

SIKKIM



GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Gangtok

Saturday 31st March, 2018

No. 139

**GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK**

No.18/Home/2018

Dated: 31/03/2018

NOTIFICATION

Whereas, the State Government has vide Notification no 13/Home/2018 dated 10/03/2018, was pleased to regulate the sale of non-organic agricultural and horticultural commodities with an object to prevent risk of the health of human beings, animals and environment and deemed it expedient that such commodities shall be liable to be seized and disposed of;

Now therefore, with a view to achieve the above objectives, the State Government is hereby pleased to notify the following procedure for seizure and disposal of such commodities, namely:-

Enforcement officers

- 1 (1) The State Government shall designate such number of person(s) as it thinks fit to be Enforcement Officers to carry out the purpose for such seizure and disposal.
- (2) The Enforcement Officers shall be officials of the Agriculture and/or Horticulture Departments not below the rank of Agriculture Development Officer/Horticulture Development Officer/Watershed Development Officer who shall be the seizing officer.

Procedure for seizure

- 2 The Enforcement officer, while preparing seizure of non-organic agricultural and horticultural commodities and documents shall follow the procedure specified as under, namely:-
 - (a) Seizure shall be made in Form I appended to this notification.
 - (b) The Enforcement officer shall obtain the signature of the person from whom seizure was made in the presence of two independent witnesses, duly signed in the Form I appended to this notification.
 - (c) The Enforcement officer, after seizure, shall report to the superior officer not below the rank of Director or equivalent or as the case may be.

- (d) Where there is a reason to believe that there is any act or commission in contravention to the Notification no 13/Home/ 2018 dated 10/03/2018 in respect to sell, stock, possess for commercial purpose, such non organic agricultural and horticultural commodities, shall be seized by the Enforcement officer.

Procedure for disposal of seized commodities

- 3 The Enforcement officer shall dispose of the commodities seized in the following manner, namely:-
- (a) That the Enforcement officer shall compost the seized commodities or dispose of in landfill at the Agricultural and Horticultural farms of the Departments.
- (b) That every Enforcement officer shall forthwith report the disposal to the Superior Officer not below the rank of Director or equivalent or as the case may be in Form II appended to this notification.

Enforcement Officer not liable for damage

- 4 The Enforcement Officers shall not be responsible for any loss or damage which may occur in respect of any commodity collected in furtherance to the seizure and no enforcement officer shall be responsible for any such loss or damage unless he causes such loss or damage wilfully, negligently, maliciously or fraudulently.

Effective Date

- 5 This notification shall come into force with effect from 31.03.2018

By order and in the name of the Governor.

**S.K Pradhan,
Protocol Secretary
Home Department
Government of Sikkim
File No. GOS/H&CCDD/SOM/196**

Form I
SEIZURE MEMO

1 District Place

2 Property seized/recovered

a Date :

b Time :

c Place of seizure/recovered :

d Description of the place of seizure/recovered :

3 Person from whom seized/recovered :

Name :

Father's/Husband's name :

Occupation :

Age :

Address :

Signature :

4 Details of the commodities seized/recovered

| Sl.No | Name of Commodity | Quantity |
|-------|-------------------|----------|
| | | |
| | | |
| | | |
| | | |
| | | |

The seizure has been made and the inventory has been prepared in the presence of the following witnesses

5 Witnesses

i Name : Father's/Husband's name :

Occupation : Age :

Address :

Signature :

ii Name : Father's/Husband's name :

Occupation : Age :

Address :

Signature :

6 Action taken/recommendation for disposal :

Signature of the Enforcement Officer

Name :

Place :

Date :

Form II
DISPOSAL REPORT

To

I submit that the following non organic commodity is seized by me which is in contravention of Notification No 13/Home/2018 dated 10/03/2018, Government of Sikkim has been disposed of.

1 Details of the person from whom seizure was made

Name :

Father's/Husband's name :

Age :

Occupation :

Address :

2 Date of seizure :

3 Time of seizure :

4 Place of seizure :

5 Particulars of seizure :

| SI.No | Name of Commodity | Quantity |
|-------|-------------------|----------|
|-------|-------------------|----------|

6 Date of disposal :

7 Place of disposal :

Signature of Enforcement Officer

Name :

Place :

Date :